

AMENDED IN SENATE APRIL 19, 2006

SENATE BILL

No. 1548

Introduced by Senator Murray

February 23, 2006

An act to amend Section ~~23357.4~~ 23386 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1548, as amended, Murray. Alcoholic beverages: beer-tastings.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages.

The Alcoholic Beverage Control Act permits an on-sale retail licensee of wine or distilled spirits to instruct retail consumers regarding wine or distilled spirits. Under existing law this instruction may include the furnishing of up to 3 tastings of wine or distilled spirits, in limited quantities, to any individual in one day.

This bill would additionally permit distilled spirits manufacturers, distilled spirits wholesalers, on-sale retail licensees authorized to sell beer, beer manufacturers, and beer wholesalers to instruct retail consumers regarding distilled spirits and beer, respectively. This bill would allow the instruction to include the furnishing of tastings. This bill would increase the amount of tasting permitted in one day for distilled spirits from $\frac{3}{4}$ ounce to $1\frac{1}{2}$ ounces, and would permit tastings of beer of up to 12 ounces in one day. This bill would provide

that all tastings of distilled spirits and beer shall be furnished under specified conditions.

~~Existing law authorizes an incorporated beer manufacturer's trade association to conduct beer tastings on behalf of one or more licensed manufacturers for groups of individuals unaffiliated with a sponsoring nonprofit organization, provided that the participants do not exceed 100 in number at a beer tasting event.~~

~~This bill would increase the number of participants at a beer tasting event from 100 to 200, for purposes of the above provision.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 23386 of the Business and Professions*
2 *Code is amended to read:*
3 23386. (a) Any manufacturer's, wine grower's,
4 manufacturer's agent's, rectifier's, importer's, or wholesaler's
5 license also authorizes the giving away of samples of the
6 alcoholic beverages that are authorized to be sold by the license
7 under the rules that may be prescribed by the department. A retail
8 license does not authorize the furnishing or giving away of any
9 free samples of alcoholic beverages.
10 ~~(b) Notwithstanding subdivision (a), an on-sale retail licensee~~
11 ~~authorized to sell wine may instruct consumers at the on-sale~~
12 ~~retail licensed premises regarding wines sold by the retail~~
13 ~~licensee. Notwithstanding subdivision (a), an on-sale retail~~
14 ~~licensee authorized to sell distilled spirits may instruct consumers~~
15 ~~at the on-sale retail licensed premises regarding distilled spirits.~~
16 ~~The instruction may include, without limitation, the history,~~
17 ~~nature, values, and characteristics of the product, and the~~
18 ~~methods of presenting and serving the product. The instruction of~~
19 ~~consumers may include the furnishing of not more than three~~
20 ~~tastings to any individual in one day. A single tasting of distilled~~
21 ~~spirits may not exceed one-fourth of one ounce and a single~~
22 ~~tasting of wine may not exceed one ounce. Nothing in this~~
23 ~~subdivision shall limit the giving away of samples pursuant to~~
24 ~~subdivision (a).~~

(b) Notwithstanding subdivision (a) of this section and Section 25600, the following licensees may instruct consumers regarding wine, distilled spirits, and beer.

(1) An on-sale retail licensee authorized to sell wine may instruct consumers at the on-sale retail licensed premises regarding wine sold by the retail licensee.

(2) An on-sale retail licensee authorized to sell distilled spirits, a distilled spirits wholesaler, or a distilled spirits manufacturer may instruct consumers at the on-sale retail licensed premises regarding distilled spirits.

(3) An on-sale retail licensee authorized to sell beer, a beer manufacturer, or a beer wholesaler may instruct consumers at the on-sale retail licensed premises regarding beer.

(c) (1) The instruction may include, without limitation, the history, nature, values, and characteristics of the product, and the methods of presenting and serving the product.

(2) The instruction of consumers regarding wine may include the furnishing of not more than three tastings of wine to any individual of legal drinking age in one day. A single tasting of wine may not exceed one ounce.

(3) The instruction of consumers regarding distilled spirits may include the furnishing of tastings of distilled spirits to any individual of legal drinking age. Tastings of distilled spirits shall not exceed one and one-half ounces of distilled spirits per person per day.

(4) The instruction of consumers regarding beer may include the furnishing of tastings of beer to any individual of legal drinking age. Tastings of beer shall not exceed 12 ounces of beer per person per day.

(5) All tastings of distilled spirits or beer pursuant to paragraphs (3) and (4) of this subdivision shall be in the course of instruction or interaction with the consumer and shall be delivered to the consumer by an employee of the on-sale retail licensee.

(d) Nothing in subdivisions (b) and (c) shall limit the giving away of samples pursuant to subdivision (a).

~~SECTION 1. Section 23357.4 of the Business and Professions Code is amended to read:~~

~~23357.4. (a) Notwithstanding any other provision of this division, an incorporated beer manufacturer's trade association~~

1 may conduct beer tastings on behalf of one or more licensed beer
2 manufacturers for public educational purposes. Beer tastings
3 conducted by an incorporated beer manufacturer's trade
4 association may be conducted for groups of individuals
5 unaffiliated with a sponsoring nonprofit organization, provided
6 that the participants do not exceed 200 in number at any beer
7 tasting event.

8 No beer shall be sold or solicited for sale in that portion of the
9 premises where the beer tasting is being conducted.
10 Notwithstanding Section 25600, a licensed beer manufacturer
11 may provide beer without charge to an incorporated beer
12 manufacturer's trade association for any tastings conducted
13 pursuant to this section.

14 (b) (1) For purposes of this section, "nonprofit organization"
15 does not include any community college or other institution of
16 higher learning, as defined in the Education Code, nor does it
17 include any officially recognized club, fraternity, or sorority
18 whether or not that entity is located on or off the institution's
19 campus.

20 (2) For purposes of this section, "affiliated with the sponsor"
21 means directors, officers, members, employees, and volunteers of
22 bona fide charitable, fraternal, political, religious, trade, service,
23 or similar nonprofit organizations and their invited guests.

24 (c) The incorporated beer manufacturer's trade association
25 shall first obtain a permit from the department for each tasting
26 event at a fee equal to the actual cost of issuing the permit but not
27 to exceed twenty-five dollars (\$25) per day.

28 (d) The department may adopt rules and regulations as it
29 determines to be necessary for the administration of this section.